

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

FC 2012-090008

03/27/2012

HONORABLE BENJAMIN R. NORRIS

CLERK OF THE COURT

L. Heinzmann

Deputy

IN RE THE MATTER OF
KEENAN CRUTCHFIELD WALTON

KEENAN CRUTCHFIELD WALTON
1600 W LA JOLLA DR APT 2034
TEMPE AZ 85282

AND

SHANELLE CHERI

SHANELLE CHERI
7848 SCOTLAND DR
POTOMAC MD 20854

JUDGE CHERYL A MCCALLY
50 MARYLAND AVENUE
ROCKVILLE MD 20850
RICHARD B ROSENBLATT
ROSENBLATT PC
30 COURTHOUSE SQUARE STE 302
ROCKVILLE MD 20850
AZ DEPARTMENT OF VITAL
RECORDS
DOCKET-FAMILY COURT-SE
FAMILY COURT SERVICES-CCC

PATERNITY JUDGMENT

Courtroom 404 - SEF

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Prior to the commencement of this proceeding, Petitioner's exhibits 1 through 8 are marked for identification.

9:15 a.m. This is the time set for Trial regarding Petitioner/Father's Petition to Establish Paternity, Child Custody and Child Support filed January 3, 2012. Petitioner/Father, Keenan Crutchfield Walton, is present on his own behalf. Respondent/Mother, Shanelle Cheri, is neither present nor represented by counsel.

A record of the proceedings is made by audio and/or videotape in lieu of a court reporter.

This matter was scheduled to begin at 9:00 a.m. Respondent/Mother has not appeared and has not contacted this Court either in writing or by telephone to explain a reason for her nonappearance.

Accordingly, this matter now proceeds by default.

Keenan Crutchfield Walton is sworn and testifies.

Petitioner's exhibits 1 through 8 are received in evidence.

Based upon the testimony presented and the exhibits admitted,

IT IS ORDERED taking this matter under advisement.

9:48 a.m. Matter concludes.

LATER:

PATERNITY JUDGMENT

Jurisdictional Findings

The Court hereby incorporates its finding of paternity made in its Minute Entry Order dated January 13, 2012.

THE COURT FINDS that Mother and Father have one minor child in common: Keenan Alexander Crutchfield Walton, Jr. aka Rider Cheri (born November 30, 2011). The parties and the minor child have resided in Arizona continuously for at least the six months preceding the

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filing of the petition for dissolution. This Court, therefore, has jurisdiction as Arizona is the “home state” of the minor child. See A.R.S. § 25-1031.

Best Interest Findings: A.R.S. § 25-403

The best interest of a child is the primary consideration in awarding child custody. *Hays v. Gama*, 205 Ariz. 99, 102, ¶ 18, 67 P.3d 695, 698, ¶ 18 (2003). The child’s best interest is paramount in custody determinations. Section 25-403(A) enumerates specific factors for the Court to consider, among other relevant factors, in making a determination concerning a child’s best interests. See A.R.S. § 25-403(A) (“The Court shall determine custody, either originally or on petition for modification, in accordance with the best interests of the child. The Court shall consider all relevant factors including [the ten factors enumerated in the subsection].”).

In making a custody determination, the Court is mindful that as a matter of public policy, absent evidence to the contrary, “it is in a child's best interest: (1) To have substantial, frequent, meaningful and continuing parenting time with both parents[; and] (2) To have both parents participate in decision-making about the child.” See A.R.S. § 25-103(B).

THE COURT FINDS as follows regarding the child’s best interests pursuant to A.R.S. § 25-403:

1. *The wishes of the child's parent or parents as to custody.*

Father wants sole custody, with Mother’s parenting time to be supervised, due to her flight risk.

2. *The wishes of the child as to the custodian.*

The child is an infant and is too young to have an opinion.

3. *The interaction and interrelationship of the child with the child's parent or parents, the child's siblings and any other person who may significantly affect the child's best interest.*

Due to the child being only a few months old and Mother having fled with the child just prior to the filing of this action, this factor will not be given great weight. Father testified that he and Mother both parented the child, changing diapers, feeding the child, etc. for the first month of the child’s life, after which Mother fled with the child, resulting in the filing of this case.

4. *The child's adjustment to home, school and community.*

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The Court incorporates its discussion of point no. 3.

5. The mental and physical health of all individuals involved.

Father testified that this is not a factor.

6. Which parent is more likely to allow the child frequent and meaningful continuing contact with the other parent.

Given Mother's flight with the child and her refusal to allow the Father any contact with the child, the Court finds that Mother is far less likely than Father to allow the other parent contact with the child. This factor carries significant weight in the Court's ruling.

7. Whether one parent, both parents, or neither parent has provided primary care of the child.

As noted, Father testified that prior to Mother fleeing with the child, both parents were feeding the child, changing diapers, etc. and parenting the child.

8. The nature and extent of coercion or duress used by a parent in obtaining an agreement regarding custody.

Father testified that since Mother fled with the child, there has been no such agreement.

9. Whether a parent has complied with chapter 3, article 5 of title 25, Arizona Revised Statutes.

Father testified that he has not yet completed the Parenting Information Program. It is unknown whether Mother has done the program, but it appears unlikely that she has done so.

The domestic relations education provisions of A.R.S. § 25-352 have not been fully satisfied. Both parties have not completed the Parent Education Program requirements of A.R.S. § 25-352 and/or presented proof of completion as required. Both parties shall complete an approved Parent Education Program and file proof of completion with the Clerk of this Court on or before June 1, 2012.

Any party who has not completed the Parent Education Program requirements of A.R.S. § 25-352 as ordered may be held in contempt of court, and shall not file any subsequent pleadings to modify or enforce any provisions of this Judgment until he or she has filed proof of completion. A "Parent Information Program Notice" is available to the parties at the Self Service Center and the Family Court filing counter. The notice details the program's requirements and includes a list of approved parent information classes.

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10. *Whether either parent was convicted of an act of false reporting of child abuse or neglect under A.R.S. § 13-2907.02.*

N/A

11. *In addition to the foregoing, the Court must also consider any history of domestic violence (A.R.S. § 25-403(E) and 25-403.03), any drug related offenses of either party (A.R.S. § 25-403.04) and any sexual offenses (A.R.S. § 25-403.05).*

Father testified that he has not been involved in domestic violence either as victim or perpetrator. Father stated he has not been involved in any sexual offense. Father testified that he was charged in 2009 or 2010 with possession of marijuana and is going to be starting in a diversion program that will leave him with a clean record if he does the program successfully. Father stated that he has no other criminal record; consequently, Father has no convictions on his record.

IT IS ORDERED awarding Father sole custody of the child, **Keenan Alexander Crutchfield Walton, Jr.**, born November 30, 2011.

Custody Terms

Parental Access To Records And Information- Both parents are entitled to have equal access to documents and other information concerning each child's education and physical, mental, moral and emotional health including medical, school, police, court and other records directly from the custodian of the records or from the other parent. A person who does not comply with a reasonable request shall reimburse the requesting parent for court costs and attorney fees incurred by that parent to force compliance with this subsection. A parent who attempts to restrict the release of documents or information by the custodian, without a prior court order, is subject to appropriate legal sanctions.

Educational Arrangements- Both parents have the right to participate in school conferences, events, and activities (including extra-curricular), and the right to consult with teachers and other school personnel.

Medical And Dental Arrangements- Both parents have the right to authorize necessary emergency medical/dental treatment and the right to consult with physicians and other medical practitioners. Both parents shall advise the other parent immediately of any emergency medical/dental care sought for each child. Both parents shall cooperate on health matters pertaining to each child and shall keep one another reasonably informed regarding the status of each child's

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health. Both parents shall keep each other informed as to names, addresses, and telephone numbers of all medical/dental care practitioners.

Parental Communication- In furtherance of each child's best interests the parents shall confer and shall consider the views of each parent. The parents shall communicate to address day-to-day and more significant issues. The parents shall use e-mail as their primary method for communication. This method allows the parents to develop their communication and ensures both accountability and verifiability. Both parties shall maintain and regularly review their e-mail accounts. They shall each respond in a timely fashion, even if such response is merely to acknowledge the receipt of information. Each should print copies of all e-mails received and sent so that if an issue arises in the future that has been addressed through e-mail, each party shall have proof as to what was communicated.

Relocation- Neither parent shall relocate the residence of the child outside of the state of Arizona or to a distance greater than 100 miles from the current residential locations unless that parent first secures the written consent of the other or secures a court order authorizing the move.

Mediation Or Conciliation Services- The parties shall participate in mediation through a private mediator or through this Court's Conciliation Services to resolve any disputes, problems or proposed changes regarding this child custody order or parenting time before seeking further relief from the Court.

Parenting Time

As a term of the overall custody orders, parenting time shall be exercised as follows:

The child shall reside primarily with Father, with Mother to have liberal parenting time. Mother's parenting time is to be supervised, given her history of fleeing with the child. The supervision may be performed either by (a) a licensed professional supervision service (to be paid for by Mother) or by (b) any responsible adult approved in advance and in writing by both parties.

Child Support Payments

As Father is not seeking child support from Mother at this time,

IT IS ORDERED that no child support is ordered at this time.

Insurance and Unreimbursed Medical Expenses

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IT IS ORDERED that Father shall provide medical insurance for the benefit of the parties' minor child, and shall provide an insurance card and claim filing information/ forms to the other parent. All medical, dental and orthodontia expenses incurred for the health and protection of the child not covered by insurance shall be paid 50% by Father and 50% by Mother.

With regard to unreimbursed medical, dental, and vision expenses,

IT IS FURTHER ORDERED that except for good cause shown, any request for payment or reimbursement of uninsured medical, dental and/or vision costs must be provided to the other parent within 180 days after the date the services occur. The parent responsible for payment or reimbursement must pay his or her share, as ordered by the Court, or make acceptable payment arrangements with the provider or person entitled to reimbursement within 45 days after receipt of the request.

Both parents should use their best efforts to obtain services that are covered by the insurance. A parent who is entitled to receive reimbursement from the other parent for medical costs not covered by insurance shall, upon request of the other parent, provide receipts or other evidence of payments actually made.

Tax Deduction(s)

IT IS ORDERED that the parties may claim the eligible dependent as follows: Father may claim all deductions in all years; Mother may not claim any deduction in any year.

Exchange of Income Information

IT IS FURTHER ORDERED that the parties shall exchange income information on every 24 months. Said financial information shall include, but not be limited to: personal tax returns with all schedules, affidavits of financial information, earning statements and other such documentation necessary to establish or prove the income of either party. In addition, at the time of the exchange of financial information, the parties shall also exchange residential addresses and the names and addresses of their respective employers.

Child's Name

At Father's request,

IT IS ORDERED that the child's name shall be **Keenan Alexander Crutchfield Walton, Jr.**

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IT IS FURTHER ORDERED that a new amended or supplemented birth certificate for the minor child shall be prepared and issued to reflect the true paternity of the child if the name of the natural father does not now appear on the original certificate, and to reflect the true name of the minor child if the child's true name does not now appear on the original certificate.

IT IS FURTHER ORDERED that the parties shall take all necessary steps to have the birth certificate of the minor child amended in accordance with this order if the correct information does not now appear on the original certificate. Information for amendment of an Arizona birth certificate may be obtained from the Office of Vital Records, Department of Health Services, Phone **(602) 364-1300**. A **certified copy** of this minute entry order may be obtained after ten days of receipt of same, and shall then be provided, together with all other required documents and fees, to the Office of Vital Records, so that the birth certificate can be amended or supplemented as ordered herein.

Civil Contempt Sanctions

Father has requested an award of his filing fees as a contempt sanction against Mother, for failing to return the child to Arizona pursuant to this Court's prior orders. Father testified that his filing fees in Arizona have exceeded \$300.

THE COURT FINDS that Mother has failed to comply with this Court's prior orders to return the child to Arizona, and finds Mother in contempt.

IT IS ORDERED awarding Father civil contempt sanctions in the amount of \$300 against Mother and entering judgment in favor of Father and against Mother in this amount.

General Orders

IT IS FURTHER ORDERED denying all requests for relief not expressly granted herein.

IT IS FURTHER ORDERED signing this minute entry as a formal order of this Court pursuant to Rule 81(D), Arizona Rules of Family Law Procedure.

Dated this 29th day of March, 2012

/ S / HONORABLE BENJAMIN R. NORRIS

BENJAMIN R. NORRIS
SUPERIOR COURT JUDICIAL OFFICER

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FILED: Exhibit Worksheet

All parties representing themselves must keep the Court updated with address changes.
A form may be downloaded at: <http://www.superiorcourt.maricopa.gov/SuperiorCourt/Self-ServiceCenter>.